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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

Tricia Wachsmuth,	)	
	)	
Plaintiff,	)	10-CV-041-J
	)	
vs.	)	
	)	
City of Powell, Tim Feathers, Chad Miner,	)	
Mike Chretien, Roy Eckerdt, Dave Brown,	)	
Mike Hall, Brett Lara, Matt McCaslin,	)	
Alan Kent, Matthew Danzer, Officer Brilakis,	)	
Lee Blackmore, Cody Bradley, Kirk Chapman,	)	
	)	
Defendants.	)	

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**INDIVIDUAL DEFENDANTS' STATEMENT OF CONTENTIONS**

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COMES NOW, the Individual Defendants, by and through the Office of the Attorney General, and hereby submits to the Court their State of Contentions. These Defendants also incorporate those arguments and legal and factual contentions set forth in the Statement of Contentions filed the Defendants in their official capacity.

### **STATEMENT OF CONTENTIONS**

The Plaintiff, Tricia Wachsmuth, has sued eleven officers of the Powell Police Department, Chief Tim Feathers, Officer Chad Miner, Sgt. Mike Chretien, Sgt. Roy Eckerdt, Inv. Dave Brown, Officer Mike Hall, Officer Brett Lara, Officer Matt McCaslin, Sgt. Alan Kent, Officer Matthew Danzer, Officer Cody Bradley and Officer Kirk Chapman claiming excessive force based on the execution of lawfully obtained search warrant. The Plaintiff asserts that the Defendants violated her rights, under color of state law, as secured to her by the Constitution of the United States pursuant to 42 U.S.C. ' 1983.

Plaintiff contends that the Officers executing a search warrant on February 24, 2009, in Powell, Wyoming, used excessive force in violation of the Fourth Amendment. Specifically, the Plaintiff contends that the officers planned to execute a knock and announce warrant without waiting a reasonable amount of time before breaching the door, that the officers failed to knock and announce, that use of the flashbang was unreasonable and that the officers forced the Plaintiff to go into the basement as a “human shield.” The Plaintiff further contends that Chief Feathers failed to properly supervise his officers.

The Defendants deny these allegations. The Defendants contend they planned to execute this warrant as a knock and announce warrant, wait a reasonable amount of time and if necessary breach the door, as allowed under Wyoming law. The Defendants further contend that they did in fact knock and announce the warrant, wait a reasonable amount of time and breach the door only when it became apparent that the door was not going to be voluntarily admitted. The Defendants contend that the use of the flashbang device was necessary for officer and occupant safety and that it was deployed reasonably after the officers looked and were able to see into the bedroom. Finally, the Defendants contend that the plaintiff was not used as a human shield and that the Defendants only intention was to determine the credibility of her answers. The Defendants contend that Chief Feathers supervision of the officers and actions were reasonable and appropriate. The Defendants, therefore contend that there was no constitutional violation and the Plaintiff is not entitled to a recovery.

These statements are merely contentions of the parties; they are not evidence. They are offered only to assist you in understanding the claims of the parties. You must determine the facts from the evidence presented.

DATED this 7<sup>th</sup> day of February, 2011.

/s/ Misha Westby  
Misha Westby – WSB No. 6826  
Senior Assistant Attorney General

/s/ Cathleen D. Parker  
Cathleen D. Parker – WSB No. 6-3236  
Senior Assistant Attorney General

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of February, 2011, the foregoing was filed and served using the Court's CM/ECF filing system upon the following individuals:

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/s/ Lee Ann Schutt  
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